

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Revision Petition – Prakasam District – Revision Petition filed by Sri Sirasani Venkateswara Reddy against the orders of the Commissioner (Appeals) O/o the CCLA, A.P, Hyderabad, issued vide Proceedings No.BCW1/199/2009, dated: 30-01-2010 before the Government – hearing held on 30-10-2010 – Orders – Issued.

REVENUE (ASSIGNMENTS-VI) DEPARTMENT

G.O.Ms.No.1324

Dated:02-11-2010.
Read the following:

1. Revision Petition filed by Sri Sirasani Venkateswara Reddy, Prakasam District, dated: 23-02-2010.
 2. Government Memo.No.9927/Assn.VI/2010-1, dated: 10-03-2010.
 3. Orders of Hon'ble High Court dated: 21-04-2010 in WP No.9089/2010 filed by Sri Duddala China Narayana.
 4. Government Memo.No.9927/Assn.VI/2010-2, dated: 08.10.2010 and 19.10.2010.
 5. From the Collector & District Magistrate, Prakasam Dist., Rc.No.E2/2188/2010, dated: 22-10-2010.
 6. Written arguments submitted by Sri D.China Narayana.
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ORDER:

In the reference 1st read above, Sri Sirasani Venkateswara Reddy, R/o Amanigudipadu (V), Yerragondapalem (M), Prakasam District, has filed a Revision Petition before the Government under Rule 15 (18) (ii) of Board Standing Orders, against the Proceedings No. BCW1/199/2009, dated: 30-01-2010, of the Commissioner (Appeals) o/o the Chief Commissioner of Land Administration, AP, Hyderabad, wherein the Revision Petition filed by Sri Sirasani Venkateswara Reddy against the orders of the Joint Collector, Prakasam District passed in D.Dis.E2/113/2009, dated: 17-02-2009, in respect of land measuring Ac.4.80 cents in Sy.No.1020/9 of Amanigudipadu (V), Yerragondapalem (M), Prakasam District, was dismissed. The petitioner made the Chief Commissioner of Land Administration, AP, Hyderabad, the Joint Collector, Ongole, the Revenue Divisional Officer, Markapur, the Tahsildar, Yerragondapalem and the Duddala China Narayana as respondents.

2. The petitioner has submitted the following main grounds among others in support of his Revision Petition:

- a) that he occupied the dry land admeasuring Ac.4-80 cents in Sy.NO.1020/9 of Amanigudipadu (V), Yerragondapalem (M), Prakasam District, several years ago and cultivating the same, that he is a land less poor person and developed the land by clearing shrubs, stones, leveled the land, formed ridges, dug a well and fixed an electric motor, cultivating the land and that after following provisions of Assignment Laws granted DKT patta to an extent of Ac.4.80 cents in Sy.No.1020/9 of Amanigudipadu (V), Yerragondapalem (M), Prakasam District vide Proceedings in R.Dis.DAR/30/1410, dated: 28-06-2001.

- b) that he has no other source of livelihood and the source of livelihood for all the family members is the subject land only. Considering the same, the authorities ought not to have dismissed the revision.
- c) that the 5th respondent i.e. Sri Duddala China Narayana is wealthy person, and wealthy pattadar having 13 acres of agricultural land, therefore, he is not entitled for Government land.
- d) that the 3rd respondent i.e. the RDO, Markapur, passed the order dt.22-12-2008 without notice to the petitioner. Hence, the order of the 3rd respondent is illegal and violation of principles of natural justice.
- e) that as against the assignment, vide Proceedings No.R.Dis.DAR/30/1410, dt.28-06-2001, made in favour of petitioner, no appeal in terms of Board Standing Orders 15(15) was preferred by the 5th respondent, hence, the 3rd respondent-appellate authority ought to have rejected the appeal.
- f) that after grant of assignment patta in his favour the competent authorities issued pattadar pass books and title deed in his favour in terms of Andhra Pradesh Right in Land and Pattadar Pass Books Act, 1971.
- g) that the authorities decided the matter on the basis of the report of the 4th respondent i.e. the Tahsildar, Yerragondapalem, without furnishing a copy of the same, hence, the impugned order is in utter violation of principles of natural justice.
- h) and that the observation that the assignment file is not traced is incorrect and that the signature of the assigning authority is forged is totally baseless. As submitted earlier, the assignment patta was granted by following the procedure and considering the eligibility.
- i) For the grounds stated above, among other ground that may be urged at the time of hearing of the revision, the petitioner prays the Hon'ble Authority may be pleased to call for the records and set aside the order dt.30-01-2010 made by the Commissioner of Appeals, O/o the CCLA in Proceedings No. BCW1/199/2009, on the file of the Chief Commissioner of Land Administration, AP, Hyderabad, and to allow the revision and consequently confirm the assignment made in favour of the petitioner and to pass such other and further orders that may be deemed fit and proper in the circumstances of the case.

3. On receipt of the Revision Petition, Government while calling for the detailed remarks and records of the Collector, Prakasam District, in the reference 2nd read above, granted stay orders vide Memo.No.9927/Assn.VI/2010-1, dated: 10-03-2010, until further orders.

4. While the matter stood thus, Sri Duddala China Narayana has filed WP No.9089/2010 before the Hon'ble High Court, questioning the stay granted in Memo.No.9927/Assn.VI/2010-1, dated:10-03-2010 by the Government and the Hon'ble High Court, after hearing all the parties, in the reference 3rd read above was pleased to dispose of the W.P. directing the Government to dispose of the Revision in Memo.No.9927/Assn.VI/ 2010-1 within a period of 8 weeks from the date of the receipt of the copy of the order on 21-04-2010.

5. In the reference 4th read above, the Collector, Prakasam Dist., has submitted that one Sri Duddala Chinna Narayana, S/o Bakkaiah of Amanigudipadu Village of Yarragondapalem Mandal was assigned land in Sy.No.1020/9 measuring an extent of Ac.04-80 cents in Amanigudipadu (V) in Markapur Taluk vide DAR.2327/79 long back and granted PPB bearing No.32435 in Khata No.364 by the then Mandal Revenue Officer, Yerragondapalem.

6. Again the same land was re-assigned to Sri Sirasani Venkateswara Reddy son of Venkata Reddy of Regumanipalli village of Peda Araveedu Mandal in the fasli 1410 during the year 2001 by the then Mandal Revenue Officer, Yerragondapalem. The Collector has submitted that while assigning the same, the then Mandal Revenue Officer, Y. Palem has not followed assignment rules. The Collector has submitted that it appears that the 2nd assignment has been done purely on irregular process as observed below.

- a) There is no evidence that the 1st Assignment made to Sri Duddala China Narayana, S/o Bakkaiah has been cancelled duly following the procedure.
- b) Without canceling the first assignment and evicting the person in possession, no subsequent assignment could be made.
- c) The second assignee is non resident of Amanigudipadu Village of Y.Palem Mandal.

7. The Revenue Divisional Officer, Markapur, vide his orders in L.Dis.C/1334/2008, dated: 22-12-2008, while disposing the appeal observed that it appears that the assignment which was made to the 2nd assignee i.e. Revision Petitioner herein is irregular and it is invalid and no records were produced by the second assignee before R.D.Os. Court.

8. Aggrieved by the above orders of the Revenue Divisional Officer, Markapur, the petitioner Sri Sirasani Venkateswara Reddy, has preferred revision before the Joint Collector, Prakasam District. The Joint Collector, Prakasam District, vide D.Dis.E2/113/2009, dated: 17-02-2009, has also dismissed the Revision Petition filed by Sri Sirasani Venkateswara Reddy as there is no reason to interfere with the orders of the Revenue Divisional Officer, Markapur, issued in his Proceedings L.Dis.C.1334/2008, dated: 22-12-2008.

9. Aggrieved by the orders of the Joint Collector, Prakasam District, the petitioner Sri Sirasani Venkateswara Reddy, has preferred a Revision Petition before the Commissioner, Appeals, O/o the Chief Commissioner of Land Administration, AP, Hyderabad. The Commissioner (Appeals), O/o Chief Commissioner of Land Administration, A.P., Hyderabad, vide his Proceedings No.BCW1/199/ 2009, dated: 30-01-2010 has dismissed the appeal filed by Sri Sirasani Venkateswara Reddy and opined that no reasons to interfere with the orders D.Dis.E2/113/2009, dated: 17-02-2009 of the Joint Collector, Prakasam District and the revision petition deserves no consideration on merits as well as facts in his Proceedings No.BCW1/199/2009, dated: 30-01-2010. Aggrieved by the above proceedings the present Revision Petition has been filed by the petitioner.

10. In the above circumstances, the Collector & District Magistrate, Prakasam, has stated that the revision filed by Sri Sirasani Venkateswara Reddy deserves no consideration.

11. In the reference 5th read above, Sri Duddala China Narayana, has filed his written arguments, wherein he has mainly submitted among other that there is absolutely no point in favour of the petitioner herein and as such his revision cannot be entertained, when it was concurrently found by three authorities that the signature of the Mandal Revenue Officer on the D.K.T. Assignment was forged by the petitioner herein and it is a fake document. He has stated that by virtue of the interim orders, the petitioner herein was again troubling his possession, though he is having civil Court Injunction in his favour in I.A.No.1348/2008 in O.S.No.316/2008 on the file of Principle Junior Civil Judge, Markapur against the Petitioner herein apart from the orders passed by the Revenue Authorities in his favour.

12. In order to dispose of the revision petition a personal hearing was conducted in this case on 30-10-2010. Counsel for the Revision Petitioner has attended for the hearing and argued and reiterated the grounds of revision petition. Counsel for the Respondent No. 5, has also attended for the hearing and argued the case.

13. After hearing the arguments and after going through the records, it is observed that Sri Duddala China Narayana, S/o Bakkaiah of Amanigudipadu (V), Yerragondapalem (M) was assigned land in Sy.No.1020/9 to an extent of Ac.4.80 cents in Amanigudipadu Village in Markapur Mandal vide DAR.2327/79, dated: 13-8-1970 and the same was reassigned to one Sri Sirasani Venkateswara Reddy in the fasli 1410 during the year 2001 by then Mandal Revenue Officer, Yerragondapalem without following assignment rules. It is further observed that the second assignee i.e. Sri Sirasani Venkateswara Reddy obtained patta even though he is not a resident of Amanigudipadu Village or in any of the village of Yerragondapalem Mandal. After going through the record, it is also observed that the DKT file relating to Sirasani Venkateswara Reddy, native of Reguminipalli Village of Peda Araveedu Mandal is not traced but the DK file relating to original assignee Sri Duddala China Narayana is traced. The DKT file relating to Sri Sirasani Venkateswara Reddy is not traced and also the entry of assignment in the DK register is also not noted and the signature in the Photostat copy of the DK patta issued to Sri Sirasani Venkateswara Reddy is reported to have been signed by Sri S. Seetharamaraju who was the Mandal Revenue Officer during the period of grant of patta and it is reported by the Collector that the signature of the MRO is a forged one and it is also not established how the DK patta was granted to the Revision Petitioner without following rules. Further, the Tahsildar reported that there is no recorded evidence in his office to show that the second assignee i.e. Sri Sirasani Venkateswara Reddy was granted DK patta.

14. In view of the above, I do not see any valid reasons to interfere with the Proceedings No.BCW1/199/2009, dated: 30-01-2010 of the Commissioner (Appeals), O/o the Chief Commissioner and Land Administration, A.P., Hyderabad, and accordingly hereby dismiss the Revision Application filed by Sri Sirasani Venkateswara Reddy. Further, the Collector & District Magistrate, Prakasam District, is directed to take necessary action for filing Criminal case against Sri Sirasani Venkateswara Reddy, in having created the forged DKT patta. Interim stay granted in the reference 2nd read above is accordingly vacated.

15. The Special Chief Secretary & Chief Commissioner of Land Administration, AP, Hyderabad & the Collector & District Magistrate, Prakasam District, shall take necessary action in the matter.

16. The following record received through the reference 5th cited is returned herewith.

- a) Collector's Office Record D.DisE2/113/2009, dt.17-02-2009 containing pages NF-03, CF-58.
- b) Tahsildar, Yerragondapalem, RC B.188/08 of Amanigudipadu (V) - CF - 149.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
Sri Sirasani Venkateswara Reddy,
S/o Sri Venkata Reddy, R/o Amanigudipadu (V),
Yerragondapalem (M), Prakasam Dist. (by RPAD)
The Commissioner of Appeals,
O/o the Chief Commissioner of Land Administration,
A.P., Hyderabad.
The Special Chief Secretary &
Chief Commissioner of Land Administration, AP, Hyderabad.
The Collector & District Magistrate,
Prakasam District. Ongole. (w.e. record)
Sri Duddala China Narayana, S/o Bakkaiah, R/o Amanigudipadu (V),
Yerragondapalem (M), Prakasam District. (by RPAD)
M/s M. Brahma Reddy & K. Bhima Sing, Advocates,
107-Renukashkti Apartments, 3-5-797, Kingkoti Road,
Bahseerbagh, Hyderabad - 500 029.
Sri L.J. Veera Reddy, Advocate,
Plot No.16, Sripuram Colony, Malakpet, Hyderabad - 36.
The PS to Prl.Secretary to Government, Revenue Dept.
The PA to Addl.Secretary (RR), Revenue Dept.
Sf/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER.